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March 19, 2014

Via Electronic Filing
The Honorable Judge Crotty
United States District, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: DIGS NYC LLC ET AL v. G.M. MADONNA & CO. LLC
ET AL
14 Civ. 0538
FIRST TIME REQUEST OF ADJOURNMENT OF
ORDER TO SHOW CAUSE FOR PRELIMINARY
INJUNCTION

Dear Judge Crotty:

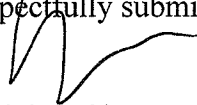
I am the attorney for Plaintiffs in this action. I am writing to request an extension of time to respond to Defendants' opposition to Plaintiffs' application for a preliminary injunction as well as a corresponding adjournment of the motion argument date. Currently, Plaintiff's reply papers are due to be served today (March 19th) at 3:00 PM and the motion argument has been scheduled to occur tomorrow (March 20th) at 11:30 AM. Plaintiffs are requesting an extension of time to serve reply to defendant's opposition until March 25th at 3:00 PM with a corresponding adjournment of the motion argument date until March 26th. This is the first request for such an adjournment.

My office received a copy of Defendant's opposition papers by email at 3:00 PM yesterday. The opposition papers cite to certain purported physical evidence which is currently being examined by my client. It is respectfully submitted that additional time is needed for my client to review this purported evidence so that it may be rebutted accordingly, with the appropriate legal arguments set forth. It is respectfully submitted that the foregoing is simply impossible to accomplish by 3:00 PM today despite Plaintiffs' best efforts. Indeed, the matter is made even more difficult by the fact that I am operating a sole attorney practice. While Plaintiffs are continuing to incur irreparable harm every day that the injunction is not place, it is respectfully submitted that the additional time is needed to ensure a proper response.

I have addressed the matter with Defendants. Defendants do not consent to the adjournment. The reason that Defendants will not consent appears to be due to displeasure over having to spend money in defending this action. Defendants' counsel has advised me, however, that he will not be available between March 27th and April 2nd for the motion argument should Plaintiffs' application be granted

Defendants would not be prejudiced in the least by this first time request for an adjournment.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Daniel A. Singer', written over the typed name.

Daniel A. Singer
DAS 0978

cc: Robert F. Finkelstein, Esq (by ECF)